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10/055,672	01/23/2002	Kazuhiro Namba	F-7294	7969

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EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/055,672

Applicant(s)

NAMBA ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because:
  - In figure 2, process flow diagram box (ST9) contains the text “competition screen display”, however, this step is shown in process flow diagram box (ST1). The examiner believes process flow diagram box (ST9) should contain text stating “alteration of the bunting direction and position of the bat character” or something similar as described in the second paragraph of page 18. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The disclosure is objected to because of the following informalities:
  - On page 13, line 8 and throughout the specification, Internet (12) is recited to describe a network, however, in figure 1, the generic term “Network” is used.
  - On page 23, line 19 “(ST353)” should be “(ST35)”.
  - On page 23, line 20 “(ST37)” should be “(ST137)” as shown in figure 14.Correction is required.

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4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

5. Claims 3, 4, and 5 are objected to because of the following informalities:

- Each of the claims recites the term "bat character", however, the term is first presented in claim 1 as a "batter character".

Correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

9. In claims 1-7, one having ordinary skill in the art would be unable to ascertain the scope of the claims because it is unclear as to whether the applicant intended to claim a method or an apparatus. The preamble of the claims are directed towards a "computer readable recording medium", however, the body of the claims recite method steps. Correction is required.

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10. Claim 1 recites the limitation "the designation" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-6 inherit the deficiencies of claim 1 by dependency.

11. Claim 1 recites the limitation "the pitching action" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-6 inherit the deficiencies of claim 1 by dependency.

12. Claim 5 recites the limitation "the batting action" in line 2. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 6 recites the limitation "said batting results" in line 5. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 6 recites the limitation "said pitching results" in line 5. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 7 recites the limitation "the designation" in line 15. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 7 recites the limitation "the pitching action" in line 16. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 8 recites the limitation "the designation" in line 14. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 8 recites the limitation "the pitching action" in line 15. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

19. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

20. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In particular, claim 9 is directed towards a "computer program" rather than a computer-readable medium encoded with a computer program (MPEP § 2106).

***Claim Rejections - 35 USC § 102***

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

22. As best understood by the examiner, claims 1-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lipson (U.S. 5,435,554).

Lipson discloses a system and method for realistically simulating a baseball game by utilizing game player's inputs to affect the real-world factors present in baseball. Lipson discloses:

Regarding claims 1, 7, 8, and 9:

- displaying a game image including a plurality of characters on a monitor screen of a computer (Fig. 3a);
- receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a pointing device (Abstract, Figs. 1b, 2, 4b, 4c, 4d, 5b, 6a, column 3, line 45-column 4, line 8, column 4, line 61-column 5, line 22, column 6, line 51-column 7, line 12, and column 11, line 40-column 12, line 9); and

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- proceeding a baseball game based on the input made by the game player; wherein in said receiving step, the designation of instructions for the pitching action of a pitcher character is accomplished by the operation of said pointing device when the game player's team is the defensive side, designation of instructions for the offensive action of a batter character is accomplished by the operation of said pointing device when the game player's team is the offensive side, and a selection of bunting or hitting as said offensive action is accomplished by a button operation of said pointing device (Abstract, Figs. 1b, 2, 4b, 4c, 4d, 5b, 6a, column 3, line 45-column 4, line 8, column 4, line 61-column 5, line 22, column 6, line 51-column 7, line 12, and column 11, line 40-column 12, line 9).

Regarding claim 2:

- said pointing device has at least two buttons including a first button and a second button, and said selection of bunting or hitting is accomplished by performing different button operations on said first button and second button (Column 11, line 40-column 12, line 9 and Fig. 1b).

Regarding Claim 3

- the designation of instructions for alteration of a height and an orientation of the bat character is accomplished by the moving operation of said pointing device in cases where bunting is selected as the offensive action of said batter character (Column 14, lines 17-35).

Regarding claim 4:

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- the operation regarding the alteration of the height and the orientation of said bat character is received after the pitching action of the pitcher character is initiated (Column 14, lines 17-35).

Regarding claim 5:

- the degree of success of the batting action is judged in accordance with the degree of overlap of said bat character and said ball character and the orientation of said bat character when said bunting is selected (Column 14, line 36-column 15, line 7 and Fig. 4e).

Regarding claim 6:

- further comprising the steps of setting parameters that define abilities for each batter character of said game player's team, and changing these parameters in accordance with said batting results and said pitching results (Column 8, lines 7-32).

### ***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aikawa et al. '413, Fujioka et al. '908, '689, '637, Hirai et al. '647, Okitsu et al. '894, Toyohara et al. '210, and Birch et al. '706 disclose systems and methods for simulating a baseball game on game machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ  
sej

  
Teresa Walberg  
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Group 3700